IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3710 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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PATEL DAXABEN @ DIXA DAUGHTER OF AMRUTLAL K. PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MS KRISHNA M VYAS for Petitioner No. 1

MR MURALI N DEVNANI for the Petitioner.

MR DN PATEL for the Respondent.

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 03/04/2002

ORAL JUDGEMENT

Rule. Mr.N.J.Shah, learned Advocate appearing for Mr.D.N. Patel, waives service of rule on behalf of the respondent.

With the consent of the parties, the matter is taken up for hearing today.

By filing this petition, the petitioner has prayed that the authority may be directed to correct the birth date of the petitioner in her passport. The petitioner is a passport holder and in her original passport, the birth date is mentioned as 23rd April, 1953. That date was given, according to the petitioner, on the basis of the school leaving certificate. However, according to the petitioner, the correct birth date is 29th March, 1953, which is recorded in the Birth Register. The petitioner has already made a representation to the passport authority, which is annexed as Annexure `E'. That representation is not disposed of by the Department. In the facts and circumstances of the case, the respondent-authority is directed to decide the application of the petitioner, which, according to the petitioner, is dated 21st March, 2002. The authority may decide the representation of the petitioner for correcting the birth date in accordance with law and as per the Rules and after considering the necessary evidence on record, may pass appropriate orders in accordance with law. In case the authority is satisfied, from the evidence on record, that the grievance of the petitioner is justified, then necessary order of correcting the entry may be passed and on that basis, corrected passport may be given to the petitioner. However, it is for the authority to appreciate the evidence and pass appropriate order in accordance with law. The decision may be taken expeditiously.

Since the petitioner, at the initial stage, has not taken care of giving appropriate birth date, the petitioner is directed to pay costs of Rs.2,000/- to the authority. The said amount of costs may be deposited with the authority within a period of three weeks from today.

Rule is made absolute to the aforesaid extent.

3rd April, 2002 (P.B. Majmudar, J.)

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(apj)